

06/01/04

Buchsbaum 1999-0131

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Patent Application

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OFFICE OF PETITIONS

Inventor(s) Adam Louis Buchsbaum et al.

Conf. No. 1485

Case 1999-0131

Group Art Unit 2155

Serial No. 09/643,580

Filing Date August 22, 2000

Examiner Khanh Q. Dinh

Title Graph Algorithm for Common Neighborhood Analysis

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

PETITION UNDER 37 CFR 1.47(a)

Refusal of Joint Inventor to Join in Application

Applicants hereby file this Petition regarding the nonsigning inventor, Raffaele Giancarlo, of the above-identified application. Accompanying this petition are the following:

1) Pertinent facts in support of this Petition:

a) The above-cited application has received a Notice of Allowance dated December 15, 2003 (attachment 1);

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b) A continuation of this application was filed on December 3, 2003 (attachment 2);

c) Subsequent to the filing of the continuation application, a support staff individual within AT&T's Patent Department discovered that Inventor Giancarlo had not executed the required Declaration for the allowed parent application (the parent application being Serial No. 09/643,580, the subject of this Petition), and called the attorney of record to report the problem;

d) Inventor Giancarlo had been hired as a "contractor" by AT&T during the time this invention was made, but had since returned to Italy, the updated contact information being written into his "inventor information" sheet by the support staff individual (attachment 4);

e) The status of this contact information was confirmed by Mr. John Etchells of the AT&T Patent staff on 10 February 2004 (attachment 5);

f) The attorney record transmitted an email to Inventor Giancarlo on 19 February 2004, requesting updated postal address information for inclusion in the Declaration document (attachment 6), the email was successfully transmitted, but no reply was forthcoming from Inventor Giancarlo;

g) A subsequent email was re-sent by the attorney of record to Inventor Giancarlo on 22 April 2004 (attachment 7), the email was again successfully transmitted, but no reply was forthcoming from Inventor Giancarlo; and

h) applicants aver that the inability to have Inventor Giancarlo contact applicants by email has made it impossible to reach Inventor Giancarlo, or present him with any papers for execution. All attempts have proved futile. Applicants consider this sequence of events as sufficient proof that the non-signing inventor cannot be reached.

2) Fee: A check in the amount of \$130.00, to cover the fee for this Petition to the Commissioner as set forth in 37 CFR § 1.17(h); and

3) Last known postal address: The last known postal address for Inventor Giancarlo was his New York address used during the tenure of his contract period with AT&T (attachment 7):

Raffaele Giancarlo
235 West 22nd Street, Apt. 5G
New York, NY 10011

Respectfully submitted,



Wendy W. Koba
Attorney for applicants
Reg. No. 30509
610-346-7112

Date: 5/28/04

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PTO/SB/21 (02-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

OFFICE OF PATENTS

Total Number of Pages in This Submission

Application Number

09/643, 580

Filing Date

August 22, 2000

First Named Inventor

A. L. Buchsbaum

Art Unit

2155

Examiner Name

Khanh Q. Dinh

1999-0131

Total Number of Pages in This Submission	Attorney Docket Number
--	------------------------

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> CD, Number of CD(s) _____	
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Wendy W. Koba
Signature	<i>Wendy W. Koba</i>
Date	5/28/04

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Wendy W. Koba
Signature	<i>Wendy W. Koba</i>
Date	5/28/04

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Patent Application for:

Applicants: A. L. Buchsbaum et al.

Atty. No: 1999-0131

Title: Graph Algorithm for Common
Neighborhood Analysis

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Type or Print name of person signing this certificate: Wendy W. Koba, Esq.

Signature: Wendy W. Koba

Attachment 1

Drawings Due
AT&T

DEC 17 2003

PREVIOUSLY DOCKETED	NOTICE OF ALLOWANCE AND FEE(S) DUE
PREVIOUSLY ABANDONED	
FILED BY S. H. Dworetzky AT & T Corporation P O Box 4110 Middletown, NJ 07748	12/15/2003



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EXAMINER	
DINH, KHANH Q	
ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/15/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,580	08/22/2000	Adam Louis Buchsbaum	1999-0131	1485

TITLE OF INVENTION: GRAPH ALGORITHM FOR COMMON NEIGHBORHOOD ANALYSIS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	03/15/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

MAY 29 2004

PTO/SB/05 (06-03)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

See 37 CFR 1.53(b) concerning utility patent application contents.

Attorney Docket No.	1999-013ICON
First Inventor	Buchsbaum
Title	Graph Algorithm for Common Neighborhood Analysis
Express Mail Label No.	ER403214200US

APPLICATION ELEMENTS

See 37 CFR 1.56(e) concerning utility patent application contents.

ADDRESS TO:

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Commissioner for Patents
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Alexandria VA 22313-1450

Fee Transmittal Form (e.g., PTO/SB/17)
Submit an original and a duplicate for fee processing

Applicant claims small entity status

Specification (Total Pages 38)
Detailed arrangement set forth below
Descriptive title of the invention
Cross Reference to Related Applications
Statement Regarding Fed sponsored R & D
Reference to sequence listing, a table,
or a computer program listing appendix
Background of the Invention
Brief Summary of the Invention
Brief Description of the Drawings (if filed)
Detailed Description
Claims
Abstract of the Disclosure

Drawing(s) (35 U.S.C. 113) (Total Sheets 14)

Declaration (Total Sheets _____);
Newly executed (original or copy)

Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)

DELETION OF INVENTOR(S)Signed statement attached deleting inventor(s)
Name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)

Application Data Sheet See 37 CFR 1.76

Formal

7. CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. Computer Reader Form (CRF)
b. Specification Sequence Listing on
i. CD-ROM or CD-R (2 copies); or
ii. Paper
c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of
(when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS
Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (2)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. Other: check

a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the continuation following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)of prior application No.: 09/643,580Examiner K. DinhArt Unit: 2155

Application Information

CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 10, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number

OR Correspondence address below

Mr. S.H. Dworetzky

AT&T Corp.
PO Box 4110

Middletown

United States of America

State

NJ

Zip Code

07748

Telephone

Fax

Wendy W. Koba

Registration No. (Attorney/Agent)

30509

Signature

Wendy W. Koba

Date

12/23/03

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Fax:
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180 PARK AVE, P.O. BOX 971
FLORHAM PARK, NJ 07932-0000 United States
Human Resrc ID: 7387434
Job Title: (PROFESSOR)
Organization: HA1630000
Business Group: AL (AT&T LABS)
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Contractor :

STacy
Phone: 011-39-91-6040422

Fax : 011-39-91-6165425

Raffaele <altair.math.unipa.it>

*Attachment 5***Net@ddress® Mail** By USA.NET®**Folder: AT%26T**

Message 7 of 33 (OLD)

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LGCGRP" <jetchells@att.com>**Add to Address Book** **Block Sender**
Allow Sender **To:** "Wendy Koba (E-mail)" <wendykoba@usa.net>**Subject:** Raffaele Giancarlo **Allow Subject** **More Details** **Print Preview**

Wendy,

Here he is!

John
<http://altair.math.unipa.it/CSG/raffaele/>

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Wendy W. Koba

Attachment 6

To: raffaele@altair.math.unipa.it
Subject: AT&T Ref. Buchsbaum 1999-0131

Mr. Giancarlo,
I am an outside counsel patent attorney for AT&T now assigned to the above-identified application which has now been allowed.
It has come to my attention that you never signed off on the Declaration and Power of Attorney document and the Assignment and Agreement Document.
Could you please email me your current home address and country of citizenship, so I can prepare the documents for your signature. The Notice of Allowance and Fee(s) due have a due date of March 15, 2004.
Your prompt response to this matter will be appreciated.
If you have any questions, please do not hesitate to contact me.

Sincerely,

Wendy W. Koba
PO Box 556
Springtown, PA 18081 USA
610-346-7112 (voice)
610-346-8189 (fax)

Sent 2/19/04

*Attachment ↑***Net@ddress® by USA'NET®****Folder: Sent****Message 19 of 32 (OLD)**

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Date: Thu, 22 Apr 2004 01:04:59 PM EDT**From:** Wendy Koba <wendykoba@usa.net> [Add to Address Book](#) [Block Sender](#)
[Allow Sender](#) [NEW](#)**To:** <raffaele@altair.math.unipa.it>**Subject:** AT&T Ref. Buchsbaum 1999-0131 and Buchsbaum 1999-0131CON [NEW](#)[More Details](#) [Print Preview](#)

Mr. Giancarlo,
I am an outside counsel patent attorney for AT&T now assigned to the above-identified applications.

It has come to my attention that you never signed off on the Declaration and Power of Attorney document and the Assignment and Agreement document. Could you please email me your current home address and country of citizenship so I can prepare the documents for your signature. Buchsbaum 1999-0131 has been allowed and fees paid back in March.

Buchsbaum 1999-0131CON is a continuation application and has received a Notice to file missing parts, requiring your signature on the declaration and assignment, with a response due date by June 6, 2004.

Your prompt attention to this matter will be greatly appreciated.

Please note, this is the second attempt at contacting you.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Wendy W. Koba
PO Box 556
Springtown, PA 18081 USA
610-346-7112 (voice)
610-346-8189

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